

REMARKS

This amendment is responsive to the Office Action dated July 25, 2008. Claims 1-4 and 6-14 have been withdrawn from consideration. Claims 5-7 and 15-18 are currently pending. Claims 19 and 20 are newly added, support for which can be found in the specification in at least paragraphs [0065] and [0067]. No new matter has been added. Applicant respectfully requests reconsideration of the pending claims in light of the following remarks.

35 U.S.C. § 112 Rejections

Claim 16 is rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. Applicant respectfully traverses the rejection.

Claim 16 was newly added in the previous Amendment dated April 25, 2008. No new matter was added with this claim. Support for this claim is found in US 2004/0224665, Specification ¶ [0057]; in particular, “[t]he data does not need to be downloaded to the mobile terminal apparatus from which data was uploaded nor does the data need to be downloaded to a mobile terminal apparatus of the same type.” Dependent claim 16 is supported by the specification and therefore claim 16 complies with the enablement requirement. Accordingly, Applicant respectfully requests withdrawal of this rejection.

35 U.S.C. § 103 Rejections

Claims 5-6 and 15-18 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hasebe (U.S. Pat. No. 5,987,609, hereinafter “Hasebe”) in view of Yamao (U.S. Pat. No. 7,200,220, hereinafter “Yamao”). Applicant respectfully traverses the rejection.

Independent claim 5 recites: *A mobile terminal apparatus comprising: storage means for storing data; communication means for receiving an electronic mail via a communication network; and controller for transmitting specified data to a specified server when a specified instruction is*

received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed.

These claimed features are absent from the relied-upon references. Particularly, independent claim 5 recites **“transmitting specified data to a specified server when a specified instruction is received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed.”**

Hasebe discloses a portable information device which permits the prevention of data from being leaked out to others when it is missing, with no need of entering a password or the like in the normal use of it or for a security method. (Hasebe, Col. 2, lines 20-24). Hasebe, however, does not disclose or suggest the particular process claimed by Applicant. In particular, Hasebe does not disclose or suggest *“transmitting specified data to a specified server when a specified instruction is received from a user via said received electronic mail,”* as claimed by Applicant. There is no mention of any kind of directing specified data to be transmitted to a specified server according to a specified instruction received in a user electronic e-mail. Hasebe also fails to disclose or suggest *“erasing said specified data from said storage means after transmitting said specified data is completed,”* as claimed by Applicant. These distinctions are significant, in that with Applicant’s claimed invention the user may initiate a process by electronic mail that allows the information to first be transmitted to a specified server according to specified instructions, and then have the information ultimately protected by erasing the specified data after the data has been safely transmitted. This allows the user to conveniently initiate a process that both retains the specified data but also ensures that it remains protected from inappropriate access.

Yamamoto does not cure the deficiencies of Hasebe. Yamamoto discloses a portable telephone maintenance service system and maintenance service method for backup control of a portable telephone set to make it possible to prevent misuse by third persons and to perform data restoration. Additionally, Yamamoto does not describe a user initiating the communication process or the steps of transmitting specified data to a specified server and erasing specified data upon completion of transmittal. Nor does Yamamoto offer any indication whatsoever of receiving an e-mail instruction to

accommodate user-initiation of the transmission and removal of data. Thus, like Hasebe, Yamao similarly offers no disclosure or suggestion of *“transmitting specified data to a specified server when a specified instruction is received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed.”* Accordingly, even if Hasebe and Yamao were to be combined, they do not teach or suggest all the features of claim 5. Therefore, withdrawal of the rejection is respectfully requested.

As dependent claims 6 and 15-18 depend directly from independent claim 5, they also are not rendered obvious by the cited references for at least the same reasons as presented above. Thus, withdrawal of the rejection with respect to claims 6 and 15-18 is therefore respectfully requested.

Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Hasebe in view of Yamao as applied to claim 5 above, and in further view of Shinkawa (JP2001309431, hereinafter “Shinkawa”). Applicant respectfully traverses the rejection.

Independent claim 5 recites: *A mobile terminal apparatus comprising: storage means for storing data; communication means for receiving an electronic mail via a communication network; and controller for transmitting specified data to a specified server when a specified instruction is received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed.*

As previously stated above, these claimed features are absent from the relied-upon references. Particularly, independent claim 5 recites **“transmitting specified data to a specified server when a specified instruction is received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed.”**

Shinkawa discloses a method of protecting data stored in a mobile terminal in the event the mobile terminal is lost. In contrast to claim 5, Shinkawa discloses that data in the mobile terminal may be deleted but only after communication is **received from a base station.** (Shinkawa Abstract). Furthermore, Shinkawa does not cure defects of Hasebe or Yamao either on its own or in

combination with the other relied-upon references. Thus, dependent claim 7 which depends from claim 5 is not rendered obvious by the cited references. Withdrawal of the rejection with respect to claim 7 is therefore respectfully requested.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of the claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully requests the Examiner to provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Dated: September 25, 2008

Respectfully submitted,

By 

Ronald P. Kanmen

Registration No.: 24,104

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant